

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

ERIC STEWART 83318

PLAINTIFF

VS.

CIVIL ACTION NO. 3:09CV412TSL-FKB

STATE OF MISSISSIPPI, ET AL.

DEFENDANTS

ORDER

This cause is before the court on the objection of plaintiff Eric Stewart to the magistrate judge's report and recommendation entered on May 16, 2012. Having reviewed plaintiff's submission, the court now concludes that plaintiff's objection is without merit and hereby adopts, as its own opinion, the magistrate judge's report and recommendation with the modification that plaintiff's October 1, 2010 filing, which was without leave of court, will be construed as a motion to amend his complaint, which will be denied because it is frivolous.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate F. Keith Ball entered on or about May 16, 2012, be, and the same is hereby, adopted as the finding of this court. Accordingly, defendants' motion for summary judgment is granted, while plaintiff's motions that defendants not be allowed immunity and to compel discovery are denied. It is further ordered that plaintiff's October 1, 2010 putative amended complaint, filed without leave of court, is stricken.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 3rd\_day of July, 2012.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE